

## Developments of Regional Impact

### Presenters:

Jennifer Czysz, Planner  
Southern NH Planning Commission

Sharon Wason, Executive Director  
Central NH Regional Planning Commission

Cynthia Copeland, Executive Director  
Strafford Regional Planning Commission

## State Statutes

- ♦ DRI's regulated in RSAs 36:54 to 58
  - Purpose
  - Definition
  - Required Review
  - Procedure
  - Applicability

## RSA 36:54 - Purpose

- ♦ Allow affected municipalities a say in the application process
- ♦ Allow Regional Planning Commissions a chance to comment
- ♦ Encourage communities to consider impacts outside their boundaries

## RSA 36:55 - Definition

- ♦ Any proposal that COULD impact:
  - Relative size or number of dwelling units
  - Proximity to municipal boundaries
  - Transportation networks
  - Anticipated emissions
  - Proximity to shared aquifers or surface waters
  - Shared facilities (i.e. schools and solid waste)

## RSA 36:56 - Review

- ♦ Upon application receipt determine if it is a DRI
- ♦ Planning Board must VOTE - yes or no
- ♦ If in doubt must declare the application a DRI

## RSA 36:57 - Procedure

- ♦ RPC and affected communities given abutter status
- ♦ Within 144 hours of declaring a DRI the RPC and affected communities must be notified
- ♦ 14 days prior to public hearing the RPC and affected communities must be notified

## SNHPC Process

- ♦ 3 Roundtable meetings
  - Define DRIs for our Region & procedure
  - Review a draft set of DRI guidelines
  - Approve the revised guidelines
- ♦ Present guidelines to our Board of Commissioners for approval
- ♦ Communities now use guidelines in their reviews

## Relative Size or Number of Dwelling Units

### Examples:

- 10 to 60+ dwelling units
- 8+ units near a town boundary
- 4+ near a water feature and town boundary
- Subdivisions of 10 to 100+ acres

## Relative Size or Number of Dwelling Units

### Result:

- Developments of 50 + dwelling units within 1,000 feet of a municipal boundary

## Proximity to Municipal Boundaries

### Examples:

- 1,000 feet from a municipal boundary
- Within a 5 mile radius of any similar development

## Proximity to Municipal Boundaries

### Result:

- Proposed development directly adjacent to a municipal boundary

## Transportation Networks

### Examples:

- Transportation facilities impacts
- Accessing water bodies and wetlands
- Commercial parking lots with 10+ spaces
- Increasing the # of daily trips generated
- Increasing peak hour traffic
- Street deterioration

## Transportation Networks

### Result:

- Create a new road or point of access in an adjacent town
- Generate 100+ trips per day into an adjacent community

## Anticipated Emissions

### Examples:

- Contribute to air or water pollution
- Drilling of an oil or gas well
- Exploration, extraction or processing of fissionable source material

## Anticipated Emissions

### Result:

- Anticipated emissions such as light, noise, some, odors or particles that may impact a neighboring community

## Proximity to Aquifers, Surface Waters & Town Boundaries

### Examples:

- ½ mile along a river to a municipal boundary
- Abutting a water body that is within 1,000 feet of a municipal boundary

## Proximity to Aquifers, Surface Waters & Town Boundaries

### Result:

- Within 1,000 feet of shared aquifers or surface waters where there will be:
  - Large water withdrawals
  - Indoor chemical storage
  - Outdoor chemical storage
  - Underground chemical storage
  - Other potential pollution

## Impact Shared Facilities

### Examples:

- Substantially Contributing to-
  - School enrollment
  - Solid waste disposal
  - Source water demand
  - Wastewater treatment

Example kept as the Result

## Beyond State Statute?

### Examples:

- ♦ Commercial, Office or Industrial Examples:
  - 10,000 - 30,000+ SF or 10 lots of Commercial
  - 10,000 - 70,000+ SF or 10 lots of Office
  - 10,000 - 120,000+ or 10 lots of Industrial
  - Specified use changes
- ♦ Communications towers exceeding 35 feet
- ♦ Government projects of 10+ acres

## Beyond State Statute?

### Result:

- ♦ Commercial or Industrial developments larger than 100,000 square feet

## What procedure should be followed?

- ♦ What can we do beyond RSA 36:57?
- ♦ Send a courtesy memo to the affected communities and the RPC
- ♦ Follow up with a phone call to answer questions and begin dialogue
- ♦ Determine DRI status
- ♦ Follow RSA procedures

## What role should SNHPC play?

### Decided that SNHPC should :

- Provide a technical review
- Act as advisor when requested
- Prepare a report or written statement
- Provide testimony at hearings (if needed)

## SNHPC Review

- ♦ Written review is most common
- ♦ Review the following:
  - Transportation
  - Environment
  - Land Use
  - Public Facilities
  - Utilities
  - Communication
  - Noise
  - Hazards and Hazardous Materials

## Results

- ♦ 6 of 13 Communities have been using the guidelines
- ♦ 4 of the Communities that haven't used the Guidelines plan to if they have a DRI
- ♦ 3 Towns have officially added it to their review process

## Massachusetts – a regulatory approach



## Authority

- ♦ Massachusetts Environmental Policy Act: state environmental review ENF/EIR
- ♦ By agreement between communities (Natick/Framingham, Norton/Mansfield for the Great Woods area)
- ♦ Through regional planning agencies (MetroWest Growth Management)

## Cape Cod Commission

- ♦ Newest RPA in Massachusetts (legislation enacted 1990)
- ♦ Response to perceived crisis (sole source aquifer, too rapid growth)
- ♦ Legislated DRI process
- ♦ MOA with state (certain state permits issued by CCC)

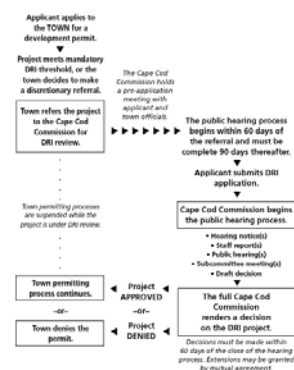
## Cape Cod Commission DRI Mandatory Review

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>■ subdivisions - 30 acres or more</li> <li>■ 30 or more lots or d.u.'s</li> <li>■ 10 or more business, office, or industrial lots</li> <li>■ commercial over 10 K sq.ft.</li> <li>■ transportation facilities</li> </ul> | <ul style="list-style-type: none"> <li>■ demolition or major changes to historic structures</li> <li>■ bridge, ramp, or road impacting wetlands + water resources</li> <li>■ new wireless over 35' tall</li> <li>■ mixed use &gt; 20 K sq.ft.</li> </ul> |
|---|--|

## Cape Cod DRI's

- ♦ Typically towns refer developments to the Commission when permit is sought locally
- ♦ 38 decisions issued since January 2004 (13 in Barnstable, 8 in Sandwich)
- ♦ Another 12 or so "in the pipeline"
- ♦ 3 towns had no DRI's since 2004

### Typical Process for the Review of a Development of Regional Impact (DRI)



## Moratoria and growth incentives

- ♦ Commission working with towns to grow in the “right” place, e.g. Hyannis Growth Incentive Zone
- ♦ Use of DCPC (district of critical planning concern)
- ♦ Moratorium authority

## What Role Should Strafford Regional Planning Play?

Executive Committee decided, if not a DRI, but requests received, that SRPC should:

- Seek information from Planning Board and applicant's agents
- Clarify process and project for abutters, if needed
- Facilitate neighborly collaboration
- Provide reports or testimony at hearings (if needed)

## Neighborly Collaboration

- ♦ Nottingham – USA Springs, 2001, DRI
- ♦ Education – for informed decision making
- ♦ 3 hydrologists presentation on:
  - What is the hydrologic cycle
  - What are bedrock fracture and stratified drift wells
  - What is a pump test
  - What are the types of contaminants and how do they act

## Neighborly Collaboration

- ♦ Wakefield, Shopping Center, 2005, DRI
- ♦ Open communications – for creating solutions
  - Access onto Route 16 for development
  - Safety concerns with recreational traffic from Lakes
  - Role of DOT District staff, Planning Boards, citizens

## Neighborly Collaboration

- ♦ Rochester, Regional Shopping Center, 2005, not DRI
- ♦ Technical and policy assistance - for neighboring community
  - Traffic impacts on State highways – reviewing traffic data, formulating concerns
  - Developing Access Management plan for state highways in town

## Neighborly Collaboration

- ♦ Dover, 1000+ Jobs Expansion, 2005, not DRI
- ♦ Technical and policy assistance – for regional communities
  - Traffic impacts on Spaulding Turnpike and local roads
    - Promote use of alternative modes through Transportation Demand Management
    - Changing behavior of residents and workers
    - Extend life of project improvements



## Neighborhood Collaboration

- ♦ Goals of Education, Technical and Policy Assistance efforts are:
  - Objective Information
  - Open Communication
  - Understanding of process and project
  - Comprehensive review
  - Longterm perspective

Leads to Informed Decision Making in best interests of individual communities and region